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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 MARIA MONTES,

11 Plaintiff(s),

12 v.

13 ANAYA ENTERPRISES,

14 Defendant(s).

Case No.: 2:18-cv-00719-JAD-VCF

Order

15 Pending before the Court is attorney James Tucker's oral motion for an exception to the
16 attendance requirements for the early neutral evaluation. The Court granted that motion through
17 a minute order, indicating that this written order would follow. Docket No. 17.

18 The early neutral evaluation attendance requirements are crystal clear. With respect to
19 attorneys, personal appearance is required for "[a]ll counsel of record who will be participating in
20 the trial." Docket No. 6 at 1. The Court's order is also crystal clear with respect to the method by
21 which to request an exception to that requirement:

22 **Any request for an exception to the above attendance**
23 **requirements must be filed and served on all parties within 14**
24 **days of the issuance of this order. . . . All trial counsel,**
25 **individual parties, a fully-authorized representative, and a fully-**
authorized insurance representative shall appear in person
unless the court enters an order granting a request for
exception.

26 Docket No. 6 at 2 (emphasis in original).¹

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28 ¹ While the order requires the filing of this request within 14 days, a later request can be
filed upon a showing of excusable neglect. *See* Fed. R. Civ. P. 6(b)(1)(B).

1 In this case, the Court set the early neutral evaluation for a date that the parties and their
2 counsel (including Mr. Tucker) specifically sought. Docket Nos. 9, 10. Mr. Tucker did not file a
3 request to be relieved of his obligation to appear. Instead, without a filing on the docket and
4 without notice to opposing counsel, Mr. Tucker included in his early neutral evaluation brief a
5 statement advising the Court that he would not be attending due to other business and that another
6 attorney would be attending the early neutral evaluation in his place who had never appeared in
7 the case.² In essence, Mr. Tucker granted himself relief from the Court's order. He did so despite
8 a clear order explaining how to seek such relief and expressly indicating that attendance was
9 required absent an order indicating otherwise. Such conduct is not acceptable.

10 As noted above, the Court has granted Mr. Tucker's procedurally improper request despite
11 the above concerns. The Court has done so as a one-time courtesy only, and will not grant similar
12 relief in the future. **Mr. Tucker is expected to strictly comply with all court orders in the**
13 **future.**

14 IT IS SO ORDERED.

15 Dated: July 16, 2018

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Nancy J. Koppe
United States Magistrate Judge
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27 ² On the eve of the early neutral evaluation, a notice of appearance was made by this other
28 attorney. *See* Docket No. 16. That filing did not rectify the problems with the course of conduct
chosen by Mr. Tucker as, most obviously, Mr. Tucker remains counsel of record and has
represented to the Court that he is trial counsel. *See* Hearing Rec. (7/13/2018).